

090086-TS  
090187-TS  
OK# 12400

**Raquel Tully**

**From:** Nancy Pruitt  
**Sent:** Monday, August 17, 2009 7:55 AM  
**To:** Raquel Tully  
**Cc:** Jamie Morrow; Kiwanis Curry; Ray Kennedy; Toni Earnhart; Victor McKay  
**Subject:** RE:

955 AUG 18 2009

\$ 500- Fine  
8/13/09  
RT

Raquel, this appears to be a \$500 settlement offer from TS216 for operating without a certificate for deposit in the General Revenue Fund. Please provide documentation to the Clerk's office for inclusion in Docket Nos. 090086-TS and 090187-TS.

Nancy Pruitt  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
850-413-6127  
850-413-6128 (fax)

RECEIVED-FPSC  
09 AUG 19 AM 9:03  
COMMISSION  
CLERK

**From:** Raquel Tully  
**Sent:** Friday, August 14, 2009 4:01 PM  
**To:** Nancy Pruitt  
**Subject:**

I received a \$500.00 check from The Marcus Center, please let me know the breakdown.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK *Grant*

DOCUMENT NUMBER-DATE

08621 AUG 19 8

FPSC-COMMISSION CLERK

8/17/2009

LAW OFFICES  
**PAUL R. MARCUS**  
MARCUS CENTRE - PENTHOUSE ONE  
9990 S.W. 77TH AVENUE  
MIAMI, FLORIDA 33156-2661

PAUL R. MARCUS

Certified Family Mediator

TELEPHONE  
(305) 596-2345  
FAX  
(305) 274-0220

TS216

August 13, 2009

**Via Federal Express**  
Florida Public Service Commission  
Division of Regulatory Compliance  
Certification & Enforcement Section  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Attention: Ms. Kiwanis L. Curry, Regulatory Analyst

Re: Roberta L. Marcus, Inc., d/b/a The Marcus Centre  
Docket No. 090187-TS

Dear Ms. Curry:

Pursuant to the Notice dated August 7, 2009 received from the Florida Public Service Commission, enclosed please find my check in the amount of \$500.00.

Very truly yours,



PAUL R. MARCUS

PRM/pa  
Enc.

RLM - --  
Send in #500

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, August 18, 2009, 9:30 a.m.

**LOCATION:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

**DATE ISSUED:** August 7, 2009

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### NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Office of Commission Clerk at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Website on the day of the Conference. The audio version is available through archive storage for up to three months after the conference.

**ITEM NO.**

**CASE**

7\*\*PAA

**Docket No. 090086-TS** – Compliance investigation of Roberta L. Marcus, Inc. d/b/a Marcus Centre, for apparent violation of Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required.

**Docket No. 090187-TS** – Application for certificate to provide shared tenant telecommunications service by Roberta L. Marcus, Inc. d/b/a Marcus Centre.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** RCP: Curry, Earnhart

GCL: Morrow, McKay

**Issue 1:** Should the Commission accept Roberta L. Marcus, Inc. d/b/a Marcus Centre's proposed settlement offer to submit a payment in the amount of \$500 to resolve the company's apparent violation of Rule 25-24.565, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

**Recommendation:** Yes, the Commission should accept Roberta L. Marcus, Inc. d/b/a Marcus Centre's proposed settlement offer to submit a payment in the amount of \$500 to resolve the company's apparent violation of Rule 25-24.565, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

**Issue 2:** Should the Commission grant Roberta L. Marcus Inc. d/b/a Marcus Centre a Certificate of Public Convenience and Necessity, STS Certificate No. 8761, to provide shared tenant services at 9990 S.W. 77<sup>th</sup> Avenue, Miami, Florida?

**Recommendation:** Yes, the Commission should grant Roberta L. Marcus, Inc. d/b/a Marcus Centre a Certificate of Public Convenience and Necessity, STS Certificate No. 8761, to provide shared tenant services at 9990 S.W. 77<sup>th</sup> Avenue, Miami, Florida.

**Issue 3:** Should these dockets be closed?

**Recommendation:** If the Commission approves staff's recommendation in Issues 1 and 2, these dockets should remain open pending the receipt of the \$500 settlement payment. The payment should be received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The payment should be made payable to the Florida Public Service Commission and should identify the docket number and the company's name. Upon receipt of payment, the Commission shall forward it to the Division of Financial Services to be deposited into the General Revenue Fund. If Marcus Centre fails to pay the \$500 within fourteen (14) calendar days after the issuance of the Consummating Order, staff should provide a copy of the Commission's Order to Marcus Centre's underlying carrier and notify the carrier to discontinue provisioning telephone service at 9990 S.W. 77<sup>th</sup> Avenue, Miami, Florida. These dockets should be closed administratively upon receipt of the \$500 settlement payment or upon disconnection of telephone service at 9990 S.W. 77<sup>th</sup> Avenue, Miami, Florida.

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**FedEx** US Airbill  
Express

FedEx Tracking Number  
8696 3659 4812

1 From This portion can be removed for Recipient's records  
Date 8-13-09 FedEx Tracking Number 869636594812

Sender's Name: Robert L. Marcus Phone: 305 596-2345  
Company: MARCUS, PAUL R. ATTORNEY  
Address: 9990 SW 77TH AVE PH 1  
City: MIAMI State: FL ZIP: 33154-2661

2 Your Internal Billing Reference

3 To Recipient's Name: Kiwanis L. Curry Phone: 850 413-6662  
Company: FLORIDA PUBLIC SERVICE COMMISSION  
Address: 2510 Shumard Oak Blvd.  
City: Tallahassee State: FL ZIP: 32319

Address: Tallahassee State: FL ZIP: 32319



8696 3659 4812

**FedEx**  
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FRI - 14 AUG A2  
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